

IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

MICHAEL JAMES CASSIDY,

Petitioner,

vs.

JOSEPH SMITH, WARDEN

Respondent

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**CIVIL ACTION NO. 3:04-2207**

(JUDGE NEALON)

**ORDER**

Plaintiff, an inmate currently incarcerated at the Federal Prison Camp at Lewisburg, Pennsylvania, filed the instant petition for writ of habeas corpus pursuant to 28 U.S.C. § 2241 on October 6, 2004. (Doc. 1). The petition challenges the Bureau of Prison's ("BOP's") computation of his sentence expiration date and its calculation of Good Time Credit ("GTC") to which he is entitled. Specifically, Petitioner asserts that he is entitled to GTC based on the length of the sentence imposed, not the length of the sentence he actually serves, as is the practice of the BOP. Respondent filed a response to the petition on November 18, 2004, to which Petitioner filed a Traverse on December 2, 2004. (Docs. 6,8).

On June 2, 2005, United States Magistrate Judge Malachy E. Mannion issued a Report and Recommendation on this matter, recommending that petition be denied, finding no error in the BOP's determination of Petitioner's good time credits and his sentence expiration date. (Doc. 10). Noting that the law on this issue is well-settled, the Magistrate Judge observed that it is the BOP, not the courts, which determines whether federal inmates should receive good time credits. *United States v. Evans*, 1 F.3d 654 (7<sup>th</sup> Cir.1993). The BOP's Program Statement 5880.28 clearly provides that the number of GTC "may be earned for each full year served on a sentence [.]". Accordingly, the BOP's method of computing good conduct time is a reasonable interpretation of 18 U.S.C. § 3624(b). See Hines v. Nash, Civil No. 3:CV-04-2748 (M.D.Pa. Dec. 27, 2004)(Munley, J.); Mendez-Soto v. Apker, Civil No. 3:CV-04-2566, (M.D.Pa. Dec. 16, 2004) (Conaboy, J.); Lopez v. Williamson, Civil No. 4:CV-04-2390 (M.D.Pa. Dec. 14, 2004) (Jones, J.); Baldwin v. Angeline, Civil No. 3:CV-03-1144 (M.D.Pa. Jan. 28, 2004) (Caputo, J.); Hill v. Nash, Civil No. 3:CV-02-1022 (M.D.Pa. Jan. 30, 2003) (Vanaskie, C.J.).

No objections were filed to the Magistrate Judge's Report and Recommendation. After careful review and in the exercise of sound judicial discretion, the Court adopts the Magistrate Judge's Report and Recommendation.

ACCORDINGLY, THIS 5<sup>th</sup> DAY OF JULY, 2005, IT IS HEREBY ORDERED THAT:

1. The Magistrate Judge's Report and Recommendation (Doc. 10) is ADOPTED;
2. Plaintiff's petition for writ of habeas corpus pursuant to 28 U.S.C. § 2241 (Doc.1) is DENIED;
3. The Clerk of Court is directed to close this case.

s/ William J. Nealon  
United States District Judge